IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2135 OF 2007
IN
WRIT PETITION NO.926 OF 1995

Yadgiri Ramswami Kirti
through power of attorney holder:
Nandkishor R. Kirti .. Applicant.

V/s.

Popatlal Pannalal Banthia .. Respondent.

Mrs.Deshpande i/by Nitin P.Deshpande for the Applicant.

Mr.Abhijeet Kandarkar i/by S.G.Deshmukh for the Respondent.

CORAM : S. A. BOBDE, J.

DATED : 29th SEPTEMBER, 2007.

P.C. :-

. This is an application for vacating the stay. The petitioner tenant was granted a stay by this court on a condition that he continues to pay the rent to the landlord. On an earlier occasion, the petitioner did not pay rent and the respondent landlord took out an application for vacating the stay. However, apparently, the petitioner paid the rent and this court, therefore, did not vacate the stay. Thereafter, it appears that the petitioner is again not paying the rent. According to the respondent landlord, the petitioner is in arrears

of rent from January, 2006. The learned counsel for the petitioner states that petitioner has not given any instruction to his Advocate in regard to the present application, even though the Advocate has sent the communication to the petitioner.

2. In the circumstances and in view of the uncontroverted averments in the application, the interim stay granted by this court on 16.08.1995 is vacated.

3. Order accordingly.

(S.A.BOBDE,J.)

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